UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,994	01/26/2004	Philip Stephen Smith	PA0957.ap.US	6772

7590 12/31/2007

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th St.
Edina, MN 55435

EXAMINER	
PINHEIRO, JASON PAUL	
ART UNIT	**PAPER NUMBER**
3714	

MAIL DATE	DELIVERY MODE
12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,994	SMITH ET AL.	
	Examiner	Art Unit	
	Jason Pinheiro	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/15/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. After the amendment filed on 10/09/2007, Claims 1, 5, 22, 25-28, 29 and 31-32 were amended. As a result claims 1-32 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 6-17, 20-22, 24, 28, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 2003/0199316) in view of Johnson et al (US 6267248) and Sines et al (US 2001/0000778).

Regarding claim 1: Miyamoto '316 discloses an automated gaming system comprising a gaming table and an upright video display panel (paragraph [0050]) (Fig. 1); a table having an upper surface (Fig. 1), the upper surface having a video display surface that provides a video display at least two different player positions (paragraph [0051]) (Fig. 1); and at least one processor in information communication with the upright video display panel and the video display surface, the processor or processors directing video display on both the upright video display panel and the video display surface (paragraphs [0062] – [0066]); and dealing the virtual cards to players (paragraph [0073]). However Miyamoto does not disclose a mechanical card shuffling device; a card reader; providing

game rules for the play of at least one casino table card game without the use of physical cards on the table; or that a card reader establishes an electronic file of an order of a randomized set of cards and provides information from the electronic file that enables the main game processor to provide virtual cards to players based upon the order of cards identified in the electronic file.

Johnson '248 discloses a mechanical card shuffling device (abstract); a card reader (Col. 2, Lines 36-37); and that a card reader establishes an electronic file of an order of a randomized set of cards and provides information from the electronic file that enables the main game processor to provide virtual cards based upon the order of cards identified in the electronic file (Col 4, Line 50 - Col. 5, Line 6) (Col. 6, Lines 4-7).

Sines '778 discloses providing game rules for the play of at least one casino table card game without the use of physical cards on the table (paragraph [0180]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to create a quicker and therefore more enjoyable game for players to play.

Regarding claim 2: Miyamoto discloses that which is discussed above. Miyamoto further discloses that each player position has an individual player processing board dedicated to that position (paragraph [0049]). However

Miyamoto does not disclose that the card reader is part of the mechanical card shuffling device.

Johnson does disclose that the card reader is part of the mechanical card shuffling device (abstract).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to create a quicker and therefore more enjoyable game for players to play.

Regarding claim 6: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose that the processor is programmable to enable the play of more than one different casino table game wherein cards are used in the play of each of the games.

Sines does disclose that the processor is programmable to enable the play of more than one different casino table game wherein cards are used in the play of each of the games (paragraph [0048]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to enhance the play and entertainment value of the game.

.Regarding claim 7: Miyamoto discloses that which is discussed above. Miyamoto further discloses that the video display surface is a continuous video display surface (Figs. 6a-6f).

Regarding claim 8: Miyamoto discloses that which is discussed above. Miyamoto further discloses that the continuous video display surface has changeable light filtering that can screen displayed images from various angles and the light filtering can be changed upon command by the processor (paragraphs [0062]-[0066]).

Regarding claim 9: Miyamoto discloses that which is discussed above. Although Miyamoto does not specifically disclose the light filtering can be changed upon external command, Miyamoto does disclose that the continuous video display is CRT display device (10) and it is well known that common CRT displays contain knobs and/or buttons or the like to adjust the light filtering of the screen in order to create a more pleasurable display for the viewer to view.

Regarding claims 10-11: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose player input is provided at least in part by controls in the video display surface; and that the controls comprise touch screen controls.

Sines does disclose player input is provided at least in part by controls in the video display surface, and that the controls comprise touch screen controls (paragraph [0091]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to enhance the play and entertainment value of the game.

Regarding claim 12: Miyamoto discloses that which is discussed above. Miyamoto further discloses that the controls comprise a panel embedded into the video display surface (paragraphs [0100]-[0101]).

Regarding claim 13-15: Miyamoto discloses that which is discussed above. Miyamoto further discloses that additional player input can be provided from player input provided on a surface below the video display surface and facing a position where players are to be seated (11) (Fig. 10).

Regarding claim 16-17: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose that communication between the at least one processor and the individual player processor is performed through a transaction-based protocol; or that the at least one processor or the individual player processor can start a transaction.

Sines does disclose that communication between the at least one processor and the individual player processor is performed through a transaction-based protocol (PENTIUM™) (paragraph [0085]), and Although Sines does not specifically disclose that the at least one processor or the individual player processor can start a transaction it is well known in the art that using a transaction based protocol allows for a transaction to be initiated by either processor.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the

device of Miyamoto in order to create a more reliable communication with the gaming device.

Regarding claims 20-21: Miyamoto discloses that which is discussed above. Miyamoto further disclose that each player position has an intelligent individual player processing board dedicated to that position (paragraph [0049]). However Miyamoto does not disclose that communication between the at least one processor and the individual player processor is performed through a transaction-based protocol; and that the at least one processor or the individual player processor can start a transaction it is well known in the art that using a transaction based protocol allows for a transaction to be initiated by either processor.

Sines does disclose Sines does disclose that communication between the at least one processor and the individual player processor is performed through a transaction-based protocol (PENTIUM™) (paragraph [0085]), Although Sines does not specifically disclose that the at least one processor or the individual player processor can start a transaction it is well known in the art that using a transaction based protocol allows for a transaction to be initiated by either processor.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to create a more reliable communication with the gaming device.

Regarding claims 22, 28, and 31: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose that the mechanical shuffling device comprises: a top surface and a bottom surface of said device; a single card receiving area for receiving an initial set of playing cards; a randomizing system for randomizing the order of an initial set of playing cards; a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area, the collection surface receiving cards so that all cards are received below the top surface of the device; an image capture device that reads the rank and suit of each card before being received on the card collection surface; an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device; and a moveable cover over the elevator.

Johnson does disclose that the mechanical shuffling device comprises a device for forming a random set of playing cards (Col. 2, Lines 50-52) comprising:: a top surface and a bottom surface of said device (Fig. 2); a single card receiving area for receiving an initial set of playing cards (Col. 1, Lines 57-60); a randomizing system for randomizing the order of an initial set of playing cards (Col. 1, Line 53 – Col. 2, Line 45); a collection surface in a card collection area for receiving randomized playing cards one at a time into the card collection area (Col. 1, Line 38 – Col. 2, Line 60) (Fig. 2), the collection surface receiving cards so that all cards are received below the top surface of the device (Col. 2, Lines 4-7, and Col. 2, Lines 62-63) (Fig. 2); an image capture device that reads

the rank and suit of each card before being received on the card collection surface (Col. 2, Lines 27-37, and Col. 5, Lines 8-11) (Fig. 2); an elevator for raising the collection surface so that at least some randomized cards are elevated at least to the top surface of the device (Col. 2, Lines 8-48, and Col. 3, Lines 61-65) (Fig. 2); and a moveable cover over the elevator (Col. 3, Lines 50-55) (Fig. 2).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to enhance the play and entertainment value of the game:

Regarding claim 24: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose at least one pick-off roller removes cards one at a time from the card receiving area and moves cards one at a time towards the randomizing system and the image capture device can read a card only after it has been moved by the at least one pick-off roller.

Johnson does disclose at least one pick-off roller removes cards one at a time from the card receiving area and moves cards one at a time towards the randomizing system and the image capture device can read a card only after it has been moved by the at least one pick-off roller (Fig. 2)).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the

device of Miyamoto in order to enhance the play and entertainment value of the game.

Regarding claim 32: Miyamoto discloses that which is discussed above. However Miyamoto does not disclose that the mechanical card shuffling device comprises an automatic card shuffling device comprising: a microprocessor with memory for controlling the operation of the device; an in-feed compartment for receiving cards to be randomized; a card moving mechanism for moving cards individually from the in-feed compartment into a card mixing compartment; an image capture system that can identify at least the rank of each card as it is moved towards, into or through the card mixing compartment, but before removal from the device; a card mixing compartment that identifies a position for each card in each set of cards formed in the card mixing compartment, a memory that records at least the rank of each card in each set of cards formed in the card mixing compartment; wherein the card mixing compartment comprises a plurality of substantially vertical supports, an opening for the passage of cards from the in-feed compartment, a moveable lower support surface; at least one stationary gripping element, a lower edge proximate the opening, the gripping arm capable of suspending cards above the opening; and an elevator for raising and lowering the moveable support surface.

Johnson does disclose that the mechanical card shuffling device comprises an automatic card shuffling device comprising: a microprocessor with memory for controlling the operation of the device (Col. 1, Line 53 – Col. 2, Line

42); an in-feed compartment for receiving cards to be randomized (Col. 1, Lines 59-60) (Fig. 2); a card moving mechanism for moving cards individually from the in-feed compartment into a card mixing compartment (Col. 2, Lines 38-39); an image capture system that can identify at least the rank of each card as it is moved towards, into or through the card mixing compartment, but before removal from the device (Col. 2, Lines 27-37 & Col. 5, Lines 8-11) (Fig. 2); a card mixing compartment that identifies a position for each card in each set of cards formed in the card mixing compartment (Col. 1, Line 68 – Col. 2, Line 60); a memory that records at least the rank of each card in each set of cards formed in the card mixing compartment (Col. 4, Lines 7-15); wherein the card mixing compartment comprises a plurality of substantially vertical supports (Fig. 2), an opening for the passage of cards from the in-feed compartment (Fig. 2), a moveable lower support surface (Fig. 2); at least one stationary gripping element (Fig. 2), a lower edge proximate the opening (Fig. 2), the gripping arm capable of suspending cards above the opening; and an elevator for raising and lowering the moveable support surface (Fig. 2).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Johnson and Sines into the device of Miyamoto in order to enhance the play and entertainment value of the game.

4. Claims 3-5, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 2003/0199316) in view of Johnson et al (US

6267248) and Sines et al (US 2001/0000778) as applied to claim 2 above, and further in view of Takashima (US 4614242).

Regarding claims 3-5: Miyamoto, Sines, and Johnson disclose that which is discussed above. However Miyamoto, Sines, and Johnson do not disclose that each individual player processing board communicates directly with a main game processor; that each individual player processing board communicates directly with a single Dealer game engine processor; and that the single Dealer game engine processor communicates directly with the main game processor.

Takashima does disclose that each individual player processing board (88) (Fig. 5(b)) communicates directly with a main game processor (83) (Fig. 5(b)); that each individual player processing board communicates directly with a single Dealer game engine processor (Col. 4, Lines 31-45); and that the single Dealer game engine processor (58) (Fig. 5(a)) communicates directly with the main game processor (46) (Fig. 5(a)).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Takashima into the combined device of Johnson, Sines, and Miyamoto in order to create a more flexible and customizable game, and therefore increase the enjoyment by players.

Regarding claims 18-19: Miyamoto, Sines, and Johnson disclose that which is discussed above. Sines further discloses that communication between the at least one processor and the individual player processor is performed

through a transaction-based protocol (PENTIUM™) (paragraph [0085]); and although Sines does not specifically disclose that the at least one processor or the individual player processor can start a transaction it is well known in the art that using a transaction based protocol allows for a transaction to be initiated by either processor.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 2003/0199316) in view of Johnson et al (US 6267248) and Sines et al (US 2001/0000778) as applied to claim 22 above, and further in view of Huen (US 5240140).

Regarding claims 3-5: Miyamoto, Sines, and Johnson disclose that which is discussed above. Johnson further discloses that the elevator raises all randomized cards above the top surface of the device (Col. 2, Lines 8-48). However Miyamoto, Sines, and Johnson do not disclose that the moveable cover is automatically raised to allow the randomized cards to rise above the top surface of the device.

Huen '140 does disclose that the moveable cover is automatically raised to allow the randomized cards to rise above the top surface of the device (Col. 3, Lines 29-39) (Figs. 1 & 3).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Huen into the combined device of Johnson, Sines, and Miyamoto in order to create a quicker and more thorough shuffling and dealing means with the gaming device.

6. Claim 25-27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 2003/0199316) in view of Johnson et al (US 6267248) and Sines et al (US 2001/0000778) as applied to claim 22 above, and further in view of Purton (US 6726205).

Miyamoto, Sines, and Johnson disclose that which is discussed above. However Miyamoto, Sines, and Johnson do not disclose at least one microprocessor is present in the device and the at least one microprocessor controls vertical movement of the card collection surface and camera triggering; that at least a second sensor identifies the position of the card collection surface so as to place a top card in the collection area at a position that is level with or above the bottom of at least one card gripping element that is movable from at least one side of the collection area towards playing cards within the card collection area; or that the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card at a bottom edge of the at least one card gripping element when the card gripping element moves to contact cards within the card collection area; or that a microprocessor is communicatively connected to the device and the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card position other than the top card at a bottom edge of the at least one card supporting element when the card supporting element moves to contact cards within the card collection area.

Purton '205 does disclose at least one microprocessor is present in the device and the at least one microprocessor controls vertical movement of the card collection surface and camera triggering (Col. 8, Lines 30-55); that at least a second sensor identifies the position of the card collection surface so as to place a top card in the collection area at a position that is level with or above the bottom of at least one card gripping element that is movable from at least one side of the collection area towards playing cards within the card collection area (Col. 5, Line 65 – Col. 6, Line 9) (Fig. 16); and that the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card at a bottom edge of the at least one card gripping element when the card gripping element moves to contact cards within the card collection area (Col. 4, Line 58 – Col. 5, Line 8); and that that a microprocessor is communicatively connected to the device and the microprocessor is programmed to determine a distance that the card collection surface must be vertically moved to position at least one specific card position other than the top card at a bottom edge of the at least one card supporting element when the card supporting element moves to contact cards within the card collection area (Col. 6, Lines 19-23) (Fig. 4).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Purton into the combined device of Johnson, Sines, and Miyamoto in order to provide card placement

within the card collection area in order to automate the process of integrating cards to eliminate the need for manual inspection.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 2003/0199316) in view of Johnson et al (US 6267248) and Sines et al (US 2001/0000778) as applied to claim 22 above, and further in view of Johnson (US 5683085).

Regarding claims 29: Miyamoto, Sines, and Johnson disclose that which is discussed above. However Miyamoto, Sines, and Johnson do not disclose that the at least one card supporting element comprises an element on at least one side of the card collection area that can move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area.

Johnson '085 does disclose that the at least one card supporting element comprises an element on at least one side of the card collection area that can move inwardly within the card collection area to contact and support the predetermined number of cards within the card collection area (Col. 5, Lines 29-35, & Col. 7, Lines 11-15).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Purton into the combined device of Johnson, Sines, and Miyamoto in order to provide card placement within the card collection area in order to create a more efficient card shuffling device.

Response to Arguments

8. Applicant's arguments filed 10/09/2007 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is 571-270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP
12/20/2007

XUAN M. THAI
SUPERVISORY PATENT EXAMINER